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Appellants: Solomon S. Steiner, Robert Feldstein, Per B. Fog, and Trent Poole

AUG 12 2005

Serial No.: 09/621,092

Art Unit: 3743

Filed: July 21, 2000

Examiner: M. Patel

For: **UNIT DOSE CAPSULES AND DRY POWDER INHALER**Mail Stop Appcal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**SUBSTITUTE APPEAL BRIEF**

Sir:

Responsive to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. § 41.37 mailed on July 28, 2005, this is a substitute Appeal Brief to replace the Substitute Appeal Brief filed on February 23, 2005. This is an appeal from the final rejection of claims 30, 41, and 43-45 in the Office Action mailed April 8, 2004, in the above-identified patent application. A Notice of Appeal was filed on August 9, 2004. An Appeal Brief was filed on November 9, 2004. A Petition for Extension of Time to extend the period for response one month, to and including November 9, 2004 was submitted with the Appeal Brief filed on November 9, 2004. In the Appeal Brief filed November 9, 2004, the Commissioner was authorized to charge \$225.00 to Deposit Account No. 50-3129, the sum of the fee for a small entity for filing an Appeal Brief (\$170.00) and the fee for a one-month extension of time for a small entity (\$55.00). It is believed that no additional fee is required with this submission. However, should an additional

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SUBSTITUTE APPEAL BRIEF

For the foregoing reasons, Appellant submits that claims 28-30, 41, and 43-45 are patentable.

Respectfully submitted,



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Date: August 12, 2005

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